

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

FRANCIS POUNDS,

Plaintiff,

V.

U.S. SMALL BUSINESS
ADMINISTRATION, *et al.*,

Defendants.

Case No. 4:22CV638 JAR

MEMORANDUM AND ORDER

This matter is before the Court on Defendants’ Motion to Strike Plaintiff’s Amended Complaint [ECF No. 24]. Plaintiff, who is proceeding *pro se*, has not responded to the Motion. For the reasons set forth below, the Court will grant Defendant’s Motion.

On June 15, 2022, Plaintiff Francis Pounds filed a complaint naming various agencies and officials of the United States Government. In his complaint, Plaintiff seeks injunctive relief against Defendants requiring Defendant U.S. Small Business Administration to save his “place in line for the first-come, first-served funds that Congress allotted for EIDL loans by enjoining the Defendants from dispensing \$70,200.” Defendants have filed a Motion to Dismiss Plaintiff’s Complaint and a Motion for Order to Show Cause, which Plaintiff responded in opposition to. Both motions remain pending before this Court.

On May 19, 2023, Plaintiff filed an Amended Complaint without leave of the Court. On May 23, 2023, Defendants filed the instant motion in opposition, requesting the Court to strike Plaintiff's Amended Complaint. Plaintiff did not respond.

Pursuant to Federal Rule of Civil Procedure 15(a)(2), a party may only amend its pleadings with “the opposing party’s written consent or the court’s leave.” Local Rule 4.07 also

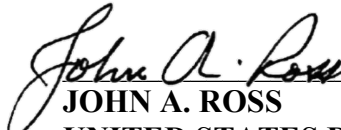
requires a motion for leave to accompany any proposed amended pleading, and that “all new material in the amended pleading must be underlined and all material being removed must be struck through.”

Here, Plaintiff has not abided by any of the requirements to amend his Complaint pursuant to the Court’s local rules or Federal Rule of Civil Procedure 15. Plaintiff also failed to respond to Defendant’s Motion. Therefore, Defendants’ Motion is well taken. The Court will grant Defendants’ Motion to Strike Plaintiff’s First Amended Complaint for the reasons set forth in Defendants’ Motion, and for Plaintiff’s failure to seek leave to amend his Complaint as required. *See* Federal Rule of Civil Procedure 15(a)(2); Local Rule 4.07.

Accordingly,

IT IS HEREBY ORDERED that Defendants’ Motion to Strike Plaintiff’s Amended Complaint [ECF No. 24] is **GRANTED**.

Dated this 28th day of June, 2023.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE